IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 31ST OCTOBER 2007 / 9TH KARTHIKA 1929

WP(C).No. 25328 of 2007(M)

OS.35/2004 of DISTRICT COURT, ERNAKULAM

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PETITIONERS:

1.SHAJU A.M., TRUSTEE,
ST.GEORGE JACOBITE SYRIAN CHRISTIAN
CHURCH, CHUVANNAMANNU, CHUVANNAMANNU P.O.,
THRISSUR DT., REP.BY ITS TRUSTEE, SHAJU A.M.,
RESIDING AT AMBATTUKUDIYIL HOUSE,
AYODE, POOVANCHIRA P.O., THRISSUR DIST.

2. FR.RAJU MARKOSE PUTHUSSERIL,
VICAR, ST.GEORGE JACOBITE CHRISTIAN CHURCH,
P.O.CHUVANNAMANNU, THRISSUR DISTRICT.

3. ELDOSE K.P.,
SECRETARY, ST.GEROGE SYRIAN CHRISTIAN CHURCH,
P.O.CHUVANNAMANNU, THRISSUR DISTRICT,
RESIDING AT KODIYATTIL HOUSE, MANJAKKUNNU,
PATTIKKAD P.O., THRISSUR DISTRICT.

4. M.VARGHESE MASTER,
MANAGING COMMITTEE MAMBER,
ST.GEORGE JACOBITE SYRIAN CHRISTIAN CHURCH,
P.O.CHUVANNAMANNUR, THRISSUR DT. RESIDING AT
POOTHAMKUZHIYIL HOUSE, EDAPPALAM, PATTIKKAD PO,
THRISSUR DIST.

BY ADV. SRI.K.RAMAKUMAR
SRI.SAJAN VARGHEESE K.
SRI.LIJU. M.P

RESPONDENTS:
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1. THE DISTRICT COLLECTOR,THRISSUR DISTRICT.

2. THE REVENUE DIVISIONAL OFFICER,
CIVIL LINES, AYYANTHOLE, THRISSUR.

3. THE SUPERINTENDENT OF POLICE,
AYYANTHOLE, THRISSUR.

4. DY.SUPERINTENDENT OF POLICE,
(THRISSUR EAST), NEAR SHAKTHANTHAMBURAN MARKET,
THRISSUR.

5. THE CIRLCE INSPECTOR OF POLICE,
OLLUR POLICE STATION,
THRISSUR DIST.

6. THE SUB INSPECTOR OF POLICE,
PEECHI POLICE STATION, PATTIKKAD,
THRISSUR DIST.

7. FR.BABY PAUL,
PUKKUNNEL HOUSE, KURUMALA DESOM,
KURUMALA VILLAGE, KURUMALA PO,
THALAPPILLY TALUK, THRISSUR DISTRICT.

8. SRHI.SHAJI,
S/O MATHAI,
KARUTHEDATH HOUSE, VAZHUKKUMPARA DESOM,
PANANCHERRY VILLAGE, CHUVANNAMANNU P.O.
THRISSUR DIST.

9. SRI.BIJU,
S/O VARKEY, KAROTTUKUNNEL HOUSE,
VAZHUKKUMPARA DESAM, PANANCHERRY VILLAGE,
CHUVANNAMANNU P.O., THRISSUR DIST.

BY ADV. SRI.BIJU ABRAHAM
SRI.B.G.BHASKAR
SRI.SREEVALSAN.V

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 31/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Appendix

Petitioners' Exts:

Ext.P1 true copy of the judgment dated 20.6.2007 passed in OS 35 /2004 on the file of Dist. Court of Ernakulam.

Ext.P2 true copy of the memorandum of appeal in RFA 350/2007 on the file of this Hon'ble Court.

Ext.P3 true copy of the petition dated 6.8.2007 submitted by respondent No.7 before respondent No.2 with copy to respondents Nos.3 to 6.

Ext.P4 true copy of the representation dated 17.8.2007 submitted before respondents Nos.1 to 6.

7th respondent's Exts:

Ext.R1(A) A true copy of the deposition of DW1 dated 25.3.2006 in OS 35 of 2004

Ext.R7(B) A true copy of the order allotting the Thrissur Diocese to HG Yuhanon Mar Melitius dated 12.8.2002.

Ext.R7(C) A true copy of the order of HG Yuhanon Mar Melitius appointing me to hold additional charge of Kallachira church, dated 10.0.2005.

M.N.Krishnan, J.

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W.P(C).No.25328 of 2007

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Dated this the 31st day of October, 2007.

JUDGMENT

This Writ Petition is filed to issue a writ of mandamus to refrain respondents 1 to 6 from interfering in a matter which is basically a civil dispute and for further reliefs. This Court by order dated 23.8.2007 had noted that an application has been moved for police protection before the District Collector and no order had been passed and that the police is not obstructing the entry of the worshipers of the Church.

2. Now when the matter came up for consideration today, it is submitted that the decree holder has moved Execution Petition No.95 of 2007 before the Second Additional District Court, Ernakulam for execution of the decree. In the light of the fact that the decree holder has approached the Executing Court for relief, interference by any other agency is not necessary unless it is ordered by the court executing the decree.

With these observations, this Writ Petition is disposed of.

M.N.Krishnan,
Judge.

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